

AUG. 28. 2006 3:06PM 407-736-6440

RECEIVED
CENTRAL FAX CENTER

NO. 4202 P. 11

Serial No. 09/963,280
Atty. Doc. No. 2000P07908US01

AUG 28 2006

REMARKS

Applicant has amended claims 1, 4, 6 – 7, 18, and 21, withdrawn claims 10 – 16 and 22 – 24, canceled claim 17, and added new claim 25. Thus, claims 1 – 9, 18 – 21, and 25 are presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to objections to the claims:

Claims 4 and 6 stand objected to due to the informalities. Claims 4 and 6 have been amended as suggested by Examiner. Thus, Applicant respectfully requests the Examiner to withdraw the objection to the claims.

Request for allowance of claim 18:

Examiner indicated that claim 18 contained allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claim 18 in such a manner and therefore respectfully requests allowance of claim 18.

Request for allowance of claim 25:

Examiner indicated that claim 8 contained allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claim 25 is claim 8 rewritten independent format including all of the limitations of the base claim and any intervening dependent claims and therefore respectfully requests allowance of claim 25.

Response to rejections under Section 112:

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, the Examiner contending that this claim is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claim 7 to clarify the term “maximized.” If the Examiner considers that further clarification is needed, then Applicant respectfully submits that the

**Serial No. 09/963,280
Atty. Doc. No. 2000P07908US01**

Examiner describe or explain what type of clarification is required. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 112 rejection.

Response to rejections under Section 102:

Claims 1, 3, 7, 9, and 17 stand rejected under 35 U.S.C. § 102, the Examiner contending that these claims are anticipated by UK Patent Application GB 2309296 (hereafter '296) and as being anticipated by EPO 0 576 717 (hereafter '717).

Applicant has amended claim 1 to include the limitation of a plurality of openings having the first diameter is different the second diameter and the first length is different than the second length. References '296 and '717 do not disclose or suggest a plurality of openings having the first diameter is not the same in value as the second diameter and the first length is not the same in value as the second length. In contrast, both the '296 reference and the '717 reference teach openings having a single length and a constant diameter (see '296 specification, Figure 1B and '717 specification, Figure 2). Applicant's use of openings having the first diameter is not the same in value as the second diameter and the first length is not the same in value as the second length is not a matter of mere design choice but will reduce acoustic inertance associated with the openings (see e.g. Applicant's specification, page 9 lines 4 – 5). In view of the above, independent claim 1 is patentable. Dependent claims 2 - 9 are also patentable at least based on their dependency from claim 1 as well as based on their own merit. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 102 rejection.

Response to rejections under Section 103:

Claims 4 - 6 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are unpatentable over each of '296 and '717.

In view of the remarks in connection with the Section 102 rejection regarding the openings having a first and a second diameter, Applicant respectfully submits that Becker, alone or in combination, does not teach or suggest the claimed invention. Reconsideration and withdrawal of the Section 103 rejection is respectfully requested.

**Serial No. 09/963,280
Atty. Doc. No. 2000P07908US01**

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d) for total independent claims in excess of 3, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 8/28/06

By: 
John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830